



Sen. Iris Y. Martinez

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09400HB0712sam001

LRB094 08083 LCB 46252 a

1 AMENDMENT TO HOUSE BILL 712

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 712, on page 1, line  
3 5, by replacing "Section 602" with "Sections 602 and 610"; and  
4 on page 2, immediately below line 26, by inserting the  
5 following:

6 "(750 ILCS 5/610) (from Ch. 40, par. 610)  
7 Sec. 610. Modification.

8 (a) Unless by stipulation of the parties or except as  
9 provided in subsection (a-5), no motion to modify a custody  
10 judgment may be made earlier than 2 years after its date,  
11 unless the court permits it to be made on the basis of  
12 affidavits that there is reason to believe the child's present  
13 environment may endanger seriously his physical, mental, moral  
14 or emotional health.

15 (a-5) A motion to modify a custody judgment may be made at  
16 any time by a party who has been informed of the existence of  
17 facts requiring notice to be given under Section 609.5.

18 (b) The court shall not modify a prior custody judgment  
19 unless it finds by clear and convincing evidence, upon the  
20 basis of facts that have arisen since the prior judgment or  
21 that were unknown to the court at the time of entry of the  
22 prior judgment, that a change has occurred in the circumstances  
23 of the child or his custodian, or in the case of a joint  
24 custody arrangement that a change has occurred in the

1 circumstances of the child or either or both parties having  
2 custody, and that the modification is necessary to serve the  
3 best interest of the child. The existence of facts requiring  
4 notice to be given under Section 609.5 of this Act shall be  
5 considered a change in circumstance. In the case of joint  
6 custody, if the parties agree to a termination of a joint  
7 custody arrangement, the court shall so terminate the joint  
8 custody and make any modification which is in the child's best  
9 interest. The court shall state in its decision specific  
10 findings of fact in support of its modification or termination  
11 of joint custody if either parent opposes the modification or  
12 termination.

13 (c) Attorney fees and costs shall be assessed against a  
14 party seeking modification if the court finds that the  
15 modification action is vexatious and constitutes harassment.

16 (d) Notice under this Section shall be given as provided in  
17 subsections (c) and (d) of Section 601.

18 (Source: P.A. 87-1255.)".